

PUBLIC NOTICE



**US Army Corps
of Engineers
Kansas City District**

**Permit No. 200602779
Issue Date: April 13, 2007
Expiration Date: May 4, 2007**

21-Day Notice

JOINT PUBLIC NOTICE: This public notice is issued jointly with the Kansas Department of Health and Environment. The Department of Health and Environment will use the comments to this notice in deciding whether to grant Section 401 water quality certification. Commenters are requested to furnish a copy of their comments to the Kansas Department of Health and Environment, Bureau of Water - - Watershed Management Section, 1000 SW Jackson Street, Suite 420, Topeka, Kansas 66612-1367.

APPLICANT: Filios Construction, Inc.
3510 Cavaretta Court
Las Vegas, NV 89103

PROJECT LOCATION (As shown on the attached drawings): South ½ of Section 4, Township 11 South, Range 23 East, Wyandotte County, KS (EDWARDSVILLE 7.5' USGS Quad)

AUTHORITY: Section 404 of the Clean Water Act (33 USC 1344).

ACTIVITY (As shown on the attached drawings): Proposed development of 26 acres for multi-family apartments (Phase I) and 119 acres for single-family homes and town homes (Phase II) with the associated residential attendant features and adjoining public roadways. The specific activities proposed to impact waters of the U.S. include: a permanent road crossing with culverts impacting 120 linear feet (0.03 acre) of intermittent stream; a permanent road crossing with culverts impacting 90 linear feet (0.01 acre) of ephemeral stream; a permanent road crossing with culverts impacting 160 linear feet (0.02 acre) of intermittent stream; permanent filling of 840 linear feet (0.08 acre) of ephemeral stream for construction of multi-family apartments and protection of an existing natural gas pipeline that has become exposed in a down-cutting stream segment; permanent filling of 600 linear feet (0.06-acre), 250 linear feet (0.02 acre), and 40 linear feet (0.002 acre) of head water ephemeral streams for construction of single family residences and roads; permanent filling of 90 linear feet (0.004 acre) and 60 linear feet (0.003 acre) of upper ephemeral streams for construction of multi-family apartments; permanent filling of 0.18 acre of wooded wetland for construction of a road crossing; temporary impacts to approximately 100 linear feet of intermittent stream for installation and/or connection of 5 sewer lines to an existing 18" sewer line and temporary impacts to intermittent streams associated with installation of two water lines crossings beside proposed road crossings.

WETLANDS: The 145-acre project site contains approximately 6,630 linear feet (2.10 acres) of jurisdictional intermittent stream channel, 5,090 linear feet (0.55 acres) of jurisdictional ephemeral stream channel, one 0.60 acre jurisdictional pond and 0.93-acre of herbaceous and wooded wetlands. The project as proposed would permanently fill 280 linear feet (0.05 acres) of intermittent stream channel; 1,670 linear feet (0.15 acres) of ephemeral stream channel; and 0.18-acre of wooded wetlands. Proposed mitigation for anticipated stream channel and wooded wetland impacts would include on-site riparian buffer restoration, on-site stream channel preservation, and on-site enhanced wooded wetlands within an existing herbaceous wetland.

ADDITIONAL INFORMATION: Additional information about this application may be obtained by contacting Cody S. Wheeler, U.S. Army Corps of Engineers, Kansas City Field Office, 700 Federal Building, 601 East 12th Street, Kansas City, Missouri 64106-2896 at telephone 816-389-3739 (FAX 816-389-2032) or via email at cody.s.wheeler@usace.army.mil. All comments to this public notice should be directed to the above address.

STATE AUTHORIZATION: The applicant has applied for a permit from the Kansas Department of Agriculture pursuant to Kansas Statutes Annotated 82a-301 to 305.

CULTURAL RESOURCES: Kansas City District will comply with the National Historic Preservation Act of 1966 and 36 CFR 800. We have checked the National Register of Historic Places and the Federal Register and no property listed in the Register or proposed for listing is located in the permit area. The applicant also consulted with the State Historic Preservation Officer and received a determination (KSR&C No. 06-09-104) that the proposed project would not adversely affect any property listed or eligible for listing on the National Register of Historic Places. This is the extent of our knowledge about historic properties in the permit area at this time. However, we will evaluate input by the State Historic Preservation Officer and the public in response to this public notice, and we may conduct or require a reconnaissance survey of the permit area to check for unknown historic properties, if warranted.

ENDANGERED SPECIES: A search of the Kansas Natural Heritage Inventory database showed no records of species that are listed as threatened, endangered, or proposed for listing at or within a ½ mile radius of the project site and no surveys for rare species have been conducted in the project area. Two federally listed plant species, the western prairie fringed orchid (*Platanthera praeclara*) and Mead's milkweed (*Asclepias meadii*), could occur on untilled native prairies in the county. If native prairie occupies the site a survey for these species may be needed. In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

FLOODPLAINS: This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this public notice, comments are requested from individuals and agencies that believe the described work will adversely impact the floodplain.

WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of dredged or fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. This

public notice serves as an application to the state in which the discharge site is located for certification of the discharge. The discharge must be certified before a Department of the Army permit can be issued. Certification, if issued, expresses the state's opinion that the discharge will not violate applicable water quality standards.

PUBLIC INTEREST REVIEW: The decision to issue a permit will be based on an evaluation of the probable impact including the cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, esthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act (33 USC 1344). The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

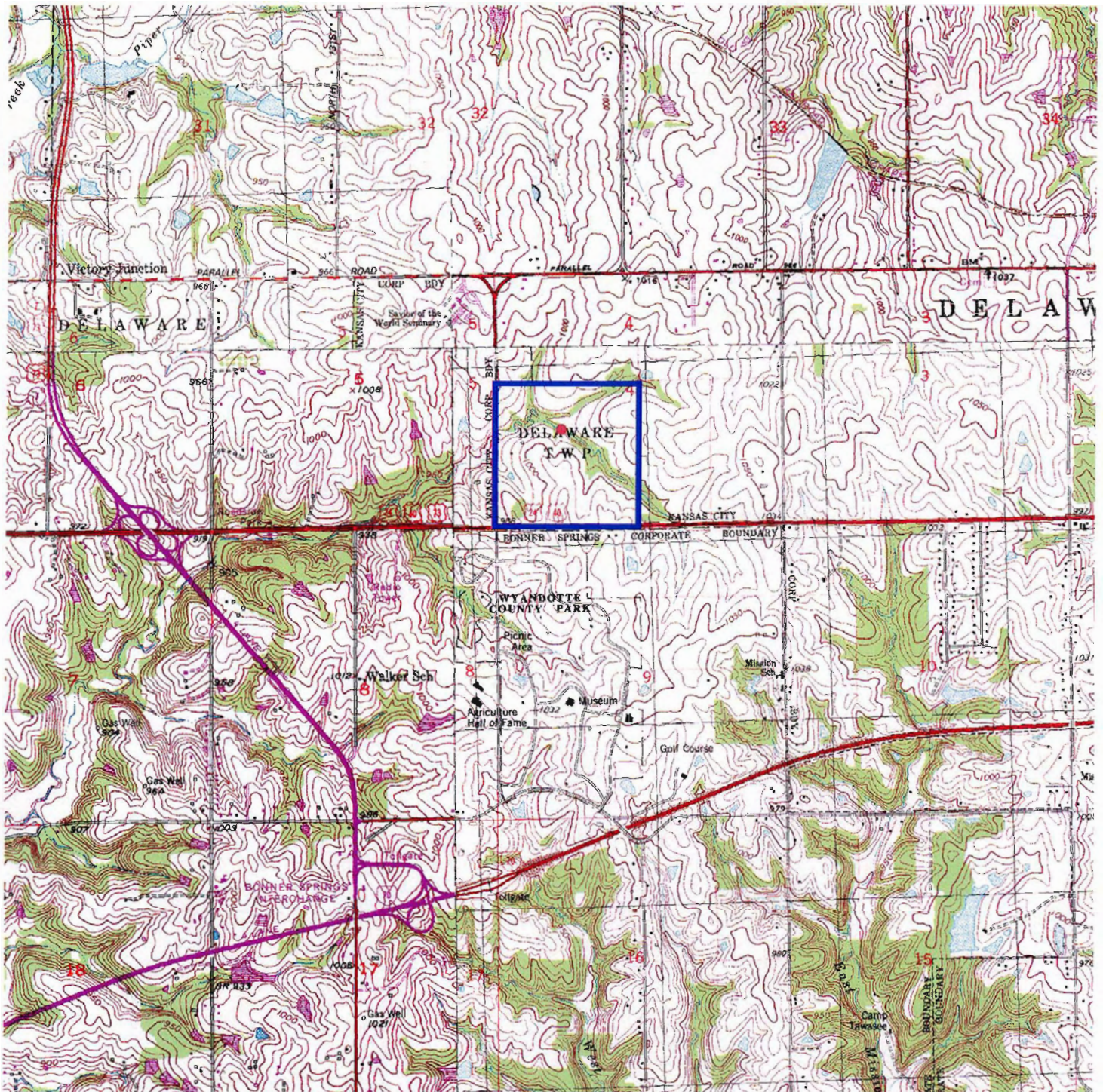
COMMENTS: This notice is provided to outline details of the above-described activity so this District may consider all pertinent comments prior to determining if issuance of a permit would be in the public interest. Any interested party is invited to submit to this office written facts or objections relative to the activity on or before the public notice expiration date. Comments both favorable and unfavorable will be accepted and made a part of the record and will receive full consideration in determining whether it would be in the public interest to issue the Department of the Army permit. Copies of all comments, including names and addresses of commenters, may be provided to the applicant. Comments should be mailed to the address shown on page 2 of this public notice.

PUBLIC HEARING: Any person may request, in writing, prior to the expiration date of this public notice, that a public hearing be held to consider this application. Such requests shall state, with particularity, the reasons for holding a public hearing.

NOTE: This public notice is posted on the Kansas City District Regulatory web page and can be viewed at the following address:

http://www.nwk.usace.army.mil/regulatory/public_notices.htm

Prairie Heights - Phases 1 and 2



0 0.5 Miles



Application by

Adjacent Property Owners

Base Number: 200602779

Purpose:

State: KS

County: Wyandotte

Legal: Sec. 4, T11 south, R23 east

River Mile:

Lat: 39-07-15.1680

Long: 94-52-05.2680

LEGEND

- Overall Project Boundary
- Phase I Project Boundary
- Stream Channels
- Permanent Impact Area
- ⬇ Potential Herbaceous Wetlands
- ⬇ Potential Wooded Wetland
- Pond
- Existing Sanitary Sewer
- Proposed Sanitary Sewer Crossing
- Proposed Water Line Crossing

1" = 400'

